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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,120	02/26/2004	Hiroshi Hosokawa	248752US3	1852
22850	7590	01/17/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			WALSH, RYAN D	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/786,120

Applicant(s)

HOSOKAWA ET AL.

Examiner

Ryan D. Walsh

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-22 and 26-36 is/are rejected.
- 7) ☒ Claim(s) 8-10 and 23-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/26/04, 9/30/05, 11/14/05 and 12/12/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The IDS dated February 26, 2004 is attached, and has been considered.

The papers filed September 30, 2005, November 14, 2005 and December 12, 2005 are not proper IDS submissions. They have been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in the information disclosure statements or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statements, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 11, 15-22, 26, 30-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeuchi et al. (US Pat. # 6,408,142).

Regarding claim 1, Takeuchi et al. teach, "A process cartridge detachably attached to an image forming apparatus, comprising: an image carrier (7) configured to carry an image; at least one image forming process device (8) configured to perform image forming processes; a case (Fig. 3) configured to integrally accommodate the

image carrier and the at least one image forming process device; and a first non-slip holding portion (Fig. 3, ref. # 12d top set, or Fig. 49) provided on a surface of the case, wherein the process cartridge is configured to move in a direction substantially parallel to a longitudinal direction of the image carrier **(the limitation does not require the cartridge to be internal to the image forming apparatus when moved)**, and insertion or removal of the process cartridge from the image forming apparatus is facilitated by grasping the process cartridge by the first non-slip holding portion and a rear surface of the case opposite from the first non-slip holding portion (Fig. 49)."

Regarding claims 2 and 17, Takeuchi et al. teach, "further comprising: a second non-slip holding portion (Fig. 3, ref. # 12d bottom set) provided on the rear surface of the case, wherein insertion or removal of the process cartridge from the image forming apparatus is facilitated by grasping the process cartridge by the first and the second non-slip holding portions."

Regarding claims 3 and 18, Takeuchi et al. teach, "wherein the case further comprises an opening exposing (Fig. 3, ref. # 9) at least a portion of the image carrier, and a surface of the case containing the first non-slip holding portion and a surface of the image carrier exposed through the opening are oriented substantially along a same direction (see Fig. 3 or 49)."

Regarding claims 4 and 19, Takeuchi et al. teach, "wherein the surface on which the first non-slip holding portion is at an elevation different than an elevation of the surface of the image carrier exposed through the opening (see Fig. 49)."

Regarding claims 5 and 20, Takeuchi et al. teach, "wherein the surface on which the first non-slip holding portion is provided is located at a position lower than the surface [relative to any surface, (12d) is lower than (7)] of the image carrier exposed through the opening."

Regarding claims 6 and 21, Takeuchi et al. teach, "wherein the surface of the case containing the first non-slip holding portion is disposed on a front side of the case (see Fig. 49, ref. # 12d) substantially oriented in a direction of movement of the process cartridge from an inserted position to a pulled-out position."

Regarding claims 7 and 22, Takeuchi et al. teach, "wherein the first non-slip holding portion is disposed at a position opposite from a position of the image carrier relative to a center position of the case in a substantially horizontal direction of the case orthogonal to the direction of movement of the process cartridge (see Fig. 49, ref. # 12d)."

Regarding claims 11 and 26, Takeuchi et al. teach, "wherein the first non-slip holding portion is distinguished from a surface of the case other than the surface of the case on which the first non-slip holding portion is provided (see Fig. 49, ref. # 12d, different surfaces)."

Regarding claims 15, 30, 34 and 36, Takeuchi et al. teach, "wherein the at least one image forming process device comprises at least one of a developing device (10) configured to develop the image carried by the image carrier, a charging device (8) configured to charge a surface of the image carrier, and a cleaning device (11) configured to clean the surface of the image carrier."

Regarding claim 16, Takeuchi et al. teach, "An image forming apparatus, comprising: an image carrier (7) configured to carry an image; image forming process devices (8) configured to perform image forming processes; a process cartridge (Fig. 3) detachably attached to the image forming apparatus, the process cartridge comprising: a case (Fig. 3) configured to integrally accommodate the image carrier and at least one of the image forming process devices; and a first non-slip holding portion (Fig. 3, ref. # 12d top set, or Fig. 49) provided on a surface of the case, wherein the process cartridge is configured to move in a direction substantially parallel to a longitudinal direction of the image carrier **(the limitation does not require the cartridge to be internal to the image forming apparatus when moved)**, and insertion or removal of the process cartridge from the image forming apparatus is facilitated by grasping the process cartridge by the first non-slip holding portion and a rear surface of the case opposite from the first non-slip holding portion (Fig. 49)."

Regarding claim 31, Takeuchi et al. teach, "wherein the image forming apparatus forms single-color images (Col. 39, Ln. 33-37)."

Regarding claim 32, Takeuchi et al. teach, "further comprising a plurality of process cartridges to form multi-color images (Col. 39, Ln. 33-37)."

Regarding claim 33, Takeuchi et al. teach, "A process cartridge detachably attached to an image forming apparatus, comprising: image carrying means (7) for carrying an image; image forming process means (8) for performing image forming processes; accommodating means (Fig. 3) for accommodating at least one of the image carrying means and the image forming process means; and a first non-slip holding

means (Fig. 3, ref. # 12d top set, or Fig. 49) for facilitating handling the process cartridge, the first non-slip holding means being provided on a surface of the accommodating means, wherein the process cartridge is configured to move in a direction substantially parallel to a longitudinal direction of the image carrying means **(the limitation does not require the cartridge to be internal to the image forming apparatus when moved)**, and insertion or removal of the process cartridge from the image forming apparatus is facilitated by grasping the process cartridge by the first non-slip holding means and a rear surface of the accommodating means opposite from the first non-slip holding means (Fig. 49).”

Regarding claim 35, Takeuchi et al. teach, “An image forming apparatus, comprising: image carrying means (7) for carrying an image; image forming process means (8) for performing image forming processes; a process cartridge (Fig. 3) detachably attached to the image forming apparatus, the process cartridge comprising: accommodating means (Fig. 3) for accommodating at least one of the image carrying means and the image forming process means; and a first non-slip holding means (Fig. 3, ref. # 12d top set, or Fig. 49) for facilitating handling the process cartridge, the first non-slip holding means being provided on a surface of the accommodating means, wherein the process cartridge is configured to move in a direction substantially parallel to a longitudinal direction of the image carrying means **(the limitation does not require the cartridge to be internal to the image forming apparatus when moved)**, and insertion or removal of the process cartridge from the image forming apparatus is facilitated by grasping the process cartridge by the first non-slip holding means and a

rear surface of the accommodating means opposite from the first non-slip holding means (Fig. 49).”

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. (US Pat. # 6,408,142) in view of Miyabe et al. (US Pat. # 5,943,529).

Regarding claims 12 and 27, Takeuchi et al. do not teach, “wherein a frictional coefficient of the first non-slip holding portion is greater than a frictional coefficient of the surface of the case.” However, wherein a frictional coefficient of the first non-slip holding portion is greater than a frictional coefficient of the surface of the case is routine in the art as shown by Miyabe et al. (Fig. 3, ref. # 24 and Col. 6, Ln. 45-48, the surface of (24) has a higher friction to serve as a holder for the cartridge). It would have been obvious at the time the invention was made to modify Takeuchi et al. to include wherein a frictional coefficient of the first non-slip holding portion is greater than a frictional coefficient of the surface of the case.

The ordinary artisan would have been motivated to modify Takeuchi et al. invention in a manner described above for at least the purpose of promoting a stronger grip to handle the process cartridge.



Regarding claims 13 and 28, Takeuchi et al. teach, "wherein the first non-slip holding portion is formed by carving the surface of the case (Fig. 49, ref. # 12d, is carved inward)."

Regarding claims 14 and 29, Takeuchi et al. do not teach, "wherein the first non-slip holding portion is formed by attaching a member to the surface of the case." However, wherein the first non-slip holding portion is formed by attaching a member to the surface of the case is routine in the art as shown by Miyabe et al. (Fig. 3, ref. # 24 and Col. 6, Ln. 45-48, member is attached in figure). It would have been obvious at the time the invention was made to modify Takeuchi et al. to include the first non-slip holding portion is formed by attaching a member to the surface of the case.

The ordinary artisan would have been motivated to modify Takeuchi et al. invention in a manner described above for at least the purpose of promoting easier mounting or dismounting of the process cartridge.

#### ***Allowable Subject Matter***

Claims 8-10 and 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments, see page 16, paragraph 3, filed December 6, 2005, with respect to claims 8-10 and 23-25 have been fully considered and are persuasive. The rejection of claims 8-10 and 23-25 has been withdrawn.

Applicant's arguments filed December 6, 2005 have been fully considered but they are not persuasive. Applicant argues the claimed language, "***the process cartridge is configured to move in a direction substantially parallel to a longitudinal direction of the image carrier***" patentably distinguishes over the applied prior art, regarding the rejection of Claims 1-7, 11, 15-22, 26 and 30-36 but fails to address the rejection contained in the previous office action dated September 8, 2005. The Office Action clearly states that the above limitation ***does not require the cartridge to be internal to the image forming apparatus when being moved*** (emphasis added). Also, there are no structural limitations defined in claim 1 is directed to a process cartridge and the claimed, "***moving in a direction substantially parallel to a longitudinal direction of the image carrier***" does not define structure of the process cartridge patentably distinguishing the claimed invention over the applied prior art.

Suggested language would include, "...wherein the process cartridge is configured to move in a direction substantially parallel to a longitudinal direction of the image carrier during insertion or removal of the process cartridge, and insertion or removal of the process...", for apparatus claims 16-32, 35 and 36.

Applicant states that a *prima facie* case of equivalence has not been made in the outstanding Office Action because it is devoid of any explanation why the device of Takeuchi et al. is equivalent to the structures disclosed corresponding to the recited functions in Claims 33-36. As clearly pointed out in the previous Office Action, using item (number) matching, the Office has clearly pointed out what has been considered

the equivalence to the *means*, performing the essential claimed *function*. Additionally, it is noted that the argued limitation is not a means plus function limitation.

Quoting MPEP § 2184, "the burden is placed upon the applicant to show that a prior art element which performs the claimed function is not an equivalent of the structure, material, or acts disclosed in the specification." See *In re Mulder*, 716 F.2d 1542, 1549, 219 USPQ 189, 196 (Fed. Cir. 1983).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

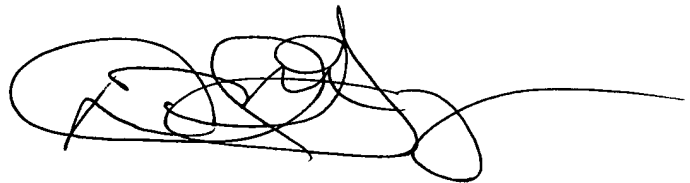
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Walsh whose telephone number is 571-272-2726. The examiner can normally be reached on M-F 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on 571-272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan D. Walsh  
Patent Examiner  
Art Unit 2852

A handwritten signature in black ink, appearing to read 'David Gray', with a long horizontal line extending to the right.

David Gray  
Primary Examiner